

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF IOWA**

In Re: )  
 )  
Warren R Brown and Jane E Brown, *Debtors* ) Case No. 19-01066-lmj13  
Wells Fargo Bank, National Association as Trustee for Option )  
One Mortgage Loan Trust 2006-1, Asset-Backed Certificates, ) Chapter: 13  
Series 2006-1, by PHH Mortgage Corporation, *Creditor* )  
 )  
vs. )  
 )  
Warren R Brown and Jane E Brown, *Debtors* )  
 )  
and )  
 )  
Carol F Dunbar, *Trustee* )

**SECURED CREDITOR'S OBJECTION TO  
CONFIRMATION OF CHAPTER 13 PLAN**

COMES NOW, Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2006-1, Asset-Backed Certificates, Series 2006-1, by PHH Mortgage Corporation, its successors or assigns, a secured creditor and objects to the Chapter 13 Plan for the following reasons:

1. The secured creditor is the holder of a promissory note in the principal sum of \$124,000.00, together with interest, secured by a lien on the real property of the Debtor located at 3295 Finestead Drive, Granger, IA 50109.

2. The current unpaid principal balance on the note secured by the lien is \$101,782.47, together with interest from January 1, 2012, the due date of the last paid installment of said note.

3. The Debtor's Plan provides that the pre-petition arrearage of \$106,000.00 will be paid over a period of 60 months. The estimated arrearage is \$117,324.81. The creditor's proof of claim will list the exact arrearage amount.

4. The Debtor's plan violates 11 U.S.C. §1325(a)(1) in that the plan does not provide for curing of the pre-petition default within a reasonable period of time and is in violation of 11 U.S.C. §1325(a)(5). The arrearage will not be cured within the life of the plan or within a reasonable time.

5. The Debtor's plan fails to comply with 11 U.S.C. §1325(a)(6) in that it is completely

unfeasible that the Debtor will be able to make all payments under the plan given income as set forth in the Schedules filed herein and maintain current monthly payments to Creditor as required under the plan.

**WHEREFORE**, having fully prayed, Creditor requests that confirmation of the proposed Chapter 13 plan be denied, and for such other and further relief as the Court deems proper.

SOUTHLAW, P.C.

s/ Lisa C Billman

Wendee Elliott-Clement, AT0011311

Lisa C. Billman, AT0013550

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**ATTORNEYS FOR CREDITOR**

**CERTIFICATE OF MAILING/SERVICE**

The undersigned does hereby certify that a true and correct copy of the foregoing was filed electronically on this May 17, 2019 with the United States Bankruptcy Court for the Southern District of Iowa, and shall be served on the parties in interest via email by the Court pursuant to CM/ECF as set out on the Notice of Electronic Filing as issued by the Court and shall be served by U.S. Mail, First Class, postage prepaid, on those parties directed by the Court on the Notice of Electronic Filing issued by the Court and as required by the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court.

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Jane E Brown  
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**DEBTOR**

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**ATTORNEY FOR DEBTOR**

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**TRUSTEE**

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**U.S. TRUSTEE**

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